

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TAMMY J. TITUS)	Case No. 1:08cv2093
)	
Plaintiff,)	
)	
-vs-)	<u>O R D E R</u>
)	
MICHAEL J. ASTRUE.)	
Commissioner of Social Security,)	
)	Judge Christopher A. Boyko
Defendant.)	
)	

On September 2, 2008, Plaintiff filed a complaint pursuant to Title 42 U.S.C. Section 405(g) (Dkt.#1). This matter was referred to Magistrate Judge George J. Limbert pursuant to Local Rule 72.2. On July 20, 2009, the Magistrate Judge recommended that the Court affirm the Administrative Law Judge's decision in part and reverse it in part. (Dkt.#19). The Magistrate Judge further recommended that the Court remand the instant case for further factfinding, analysis, and articulation by the ALJ on why Dr. Wilson's opinion is not consistent with other evidence of record as it relates to Plaintiff's Residual Functional Capacity.

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Plaintiff has failed to timely file any such objections. Therefore, the Court must assume that Plaintiff is satisfied with the Magistrate Judge's recommendation. Moreover, on July 31, 2009, Defendant filed its Response, indicating it will not be filing an objection. (Dkt #20). Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v.

States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Limbert's Report and Recommendation is **ADOPTED** and the Court affirms the Administrative Law Judge's decision in part and reverses in part, and remands the case to the ALJ in order to determine if Plaintiff can perform other jobs existing in significant numbers in the national economy.

IT IS SO ORDERED.

Dated:8/11/2008

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE